

Remarks

Claims 1-28 are pending in the application. Claims 1-15 and 20-28 are allowed.

Claims 16-19 were rejected under 35 USC 102(e) as being anticipated by Bruce, et al. (US Patent No. 6,000,006).

It must be noted that claims 16-19 of this case are claims 17, 18, 20 and 21 from the parent application 09/966,499, which were previously allowed over Bruce. In the parent application, claim 17 had been rejected over Bruce and claim 19 had been objected to, being directed to an incremented counter. Claim 19 had been included into claim 17 and was allowed over the exact same patent, by the same examiner as in this application. Applicant is a little confused as to why the rejection is being reiterated, when it was overcome in the previous case and allowed by this examiner.

However, Bruce does not teach using two different thresholds. Either the threshold discussed in Bruce is the first threshold, to which the random number is compared, or the second threshold as to which the incremented counter is compared. As claim 16 requires two thresholds, It is therefore submitted that claim 16 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 17-19 depend from claim 1 and inherently include all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. It is therefore submitted that claims 17-19 are patentably distinguishable over the prior art and allowance of these claims is requested.

The prior art made of record and not relied upon has been reviewed is not considered pertinent to applicant's disclosure.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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